

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Siskiyou)

THE PEOPLE,

 Plaintiff and Respondent,

 v.

DEANDRE DESHAWN LYNCH,

 Defendant and Appellant.

C068476

(Super. Ct. Nos.
101550, 101776)

ORDER MODIFYING
OPINION

[NO CHANGE IN
JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on September 13, 2012, be modified as follows:

1. On page 2, the last sentence on that page, beginning "The newly added section 1170, subdivision (h)," is modified to read as follows:

The newly added section 1170, subdivision (h) provides that felonies punished pursuant to this subdivision are generally punished by confinement to county jail for the term prescribed for the underlying offense.

2. On page 3, the last full sentence of the first partial paragraph, beginning "The only felons subject to a state prison sentence," is modified to read as follows:

The only felons punished under this subdivision who are subject to a state prison sentence are those with a current or prior serious or violent felony

conviction, or who are required to register as a sex offender, or who are subject to the section 186.11 aggravated white collar crime enhancement.

There is no change in the judgment.

Respondent's petition for rehearing is denied.

BY THE COURT:

_____ RAYE _____, P.J.

_____ MURRAY _____, J.

_____ DUARTE _____, J.